



U.S. Department of Homeland Security

STATEMENT

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

“MS-13 AND COUNTING:
GANG ACTIVITY IN NORTHERN VIRGINIA”

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM

Friday, July 14, 2006 @ 10:00am
Annandale, Virginia

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, thank you for providing me the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's (ICE) efforts to combat violent street gangs in the Washington, DC metropolitan area and throughout the United States.

ICE is the largest investigative agency within the Department of Homeland Security. Our mission is to protect the American people by combating terrorism and other criminal activities that cross our borders and threaten us here at home. The men and women of ICE accomplish this by enforcing the nation's immigration and customs laws. Working overseas, along our borders and throughout the Nation's interior, ICE agents and officers are demonstrating that the newly merged immigration and customs authorities constitute an effective tool against those who attempt to, or succeed in, penetrating our borders.

Using our vast enforcement authorities, ICE has built a robust enforcement program along the borders and within the interior of the United States. Gang members and other criminals should understand that ICE stands ready to protect our nation and its borders. Our presence extends throughout the interior of the United States and deters illegal immigration by making it clear to those willing to violate our borders and immigration laws that such disregard for our laws is not acceptable. These efforts underscore ICE'S homeland security priorities and strengthen respect for our laws.

ICE continues to initiate enforcement programs to identify and arrest those who pose a threat to our communities. ICE's gang initiative, Operation Community Shield, is one

such program. Through Operation Community Shield, ICE identifies violent transnational gang members that are subject to arrest, criminal prosecution and removal from the United States. Foreign-born gang members frequently ignore our immigration laws and travel to our nation's interior with the intent of joining other gang members to participate in criminal activity.

In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs such as Mara Salvatrucha, commonly known as MS-13, one of the most violent gangs of its kind. These gangs have significant foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with a nexus to the border. Like many street gangs, they also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

A recent example of this violence occurred a few miles from this hearing, just outside the borders of our nation's capital city. Just prior to midnight on July 1, 2006, four adult males were shot while standing in front of an apartment complex in Prince George's County, Maryland. Three of the victims died at the scene and a fourth victim is expected to survive his gunshot wounds. Witnesses reported that the gunmen, numbering five or six, yelled out their gang's name, Mara Salvatrucha, as they opened fire on the victims. As in this case, the victims of gang crime are not limited to rival gang members. Entire neighborhoods and sometimes whole communities are held hostage by and subjected to the violence of street gangs. Community members are targeted by gangs for extortion,

robberies, car-jacking and home invasions. In the conduct of drive-by shootings, the bullets fired by street gangs do not discriminate between a rival gang member and a sleeping infant in the same house.

In 2003 ICE conducted a comprehensive threat assessment on violent street gang activity in the United States. The threat assessment identified MS-13 as a gang with a presence across the nation, a significant foreign-born membership, and a history of violence.

Based on this threat assessment, ICE initiated Operation Community Shield on February 23, 2005, with the priority of targeting MS-13. The objective of Community Shield is to gather intelligence, develop sources of information, and ultimately to disrupt, dismantle and prosecute violent street gangs by applying the full range of authorities and investigative tools available to ICE. As part of Community Shield we have designated priorities for apprehension based on whether a gang member is a threat to national security, in a position of leadership, or has a prior violent criminal history. In May 2005, ICE expanded the program to include the investigation of all transnational street and prison gangs. ICE has partnered with state and local law enforcement and works closely with other federal agencies such as the Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Customs and Border Protection and the Federal Bureau of Investigation in support of this operation.

Operation Community Shield has resulted in the arrest of over 3,200 gang members. Of those arrested, 70 have been identified as leaders of gangs. More than half of those arrested have violent criminal histories with arrests and convictions for crimes such as

robbery, assault, rape and murder. Of the 3,200 gang members arrested, 1,096 have been identified as members of MS-13. In the Special Agent in Charge, Washington, D.C. area of responsibility, which includes Northern Virginia, ICE agents have arrested 233 violent street gang members, of which 190 have been identified as members of MS-13.

Even before the initiation of Operation Community Shield, ICE's Washington, DC office was actively pursuing transnational street gangs, particularly MS-13. An ICE Special Agent has been working full-time on the Northern Virginia Gang Task Force (NVGTF) since its formation in June 2003, and has contributed significantly to the task force's success. Of the 1,524 gang members arrested by the task force to date, nearly 20 percent, or 303, have been arrested for criminal and administrative immigration violations.

Additionally, an ICE Special Agent has been assigned to the Fairfax County Gang Investigations Unit since August 2004. Both of the agents assigned to these specialized gang units are native Spanish speakers. Because of their language abilities and experience in interacting with gang members, they have successfully identified witnesses and elicited information that has been instrumental in solving state and federal crimes.

Allow me to tell you about several significant arrests of gang members that were made by Special Agents from our Washington, DC office.

In February 2006, ICE Special Agents arrested Jose Antonio Argeta CANALES, a native and citizen of El Salvador and a Mara-R leader in the District of Columbia. CANALES was previously deported from the United States after being convicted of Attempted

Distribution of Heroin and Possession of a Controlled Substance with the Intent to Distribute. CANALES subsequently returned to the United States, was arrested by ICE agents, and is being criminally prosecuted for Illegal Re-Entry after Deportation. Based on his criminal history, CANALES is facing up to 20 years in prison for illegally returning to the United States.

In February 2006, ICE Special Agents arrested Edwin Fuentes ALVAREZ, a native and citizen of El Salvador and a high-ranking member of Mara-R in the District of Columbia, for removal proceedings. ALVAREZ has a criminal history that includes a conviction for Second Degree Child Sexual Abuse and arrests for Assault with a Deadly Weapon, Possession of Narcotics with intent to distribute, and Destruction of Property. Based on his criminal history, if ALVAREZ returns to the United States illegally, he could be prosecuted for Illegal Reentry after Deportation and face up to 20 years in prison.

As this next example illustrates, gang members often get significant prison sentences for illegally returning to the United States after being deported. In February 2004, ICE Special Agents arrested Edwin Armando RAMIREZ, a native and citizen of El Salvador and an MS-13 leader in Northern Virginia. RAMIREZ was previously deported from the United States after being convicted of Purchasing/Possession for Sale of a Controlled Substance and Possession of a Dangerous Weapon. RAMIREZ subsequently returned to the United States, was arrested by ICE, and was criminally prosecuted for Illegal Re-Entry after Deportation. On September 9, 2004, RAMIREZ was sentenced to 6 years and 5 months incarceration.

By using ICE'S immigration authorities in the fight against violent street gangs, we can take hundreds of gang members like these off the streets and significantly improve community safety.

But ICE'S investigative efforts under Operation Community Shield are not limited to immigration violations. We have the combined authorities for enforcing both customs and immigration laws, which makes our approach to fighting transnational gangs unique, and more effective. By combining our immigration enforcement authorities with our expertise in financial, contraband smuggling, and illegal export investigations, we have additional tools to hit these criminal gangs where it hurts by targeting their organized criminal activity and going after their money.

ICE also uses its immigration and customs authorities to investigate and charge gang members with violations of Racketeer Influenced and Corrupt Organizations (RICO), Violent Crime in Aid of Racketeering (VICAR) and similar statutes. ICE's ability to arrest virtually every member of a transnational gang for some violation of law, even if it is for administrative removal proceedings, is a powerful tool that immediately disrupts a gang and provides ICE the opportunity to gather intelligence and develop sources of information to further advance investigations.

At ICE, we believe that sharing with other law enforcement the intelligence we gather on gang members is one of the most important ways to combat transnational gangs like MS-

13. Transnational street gangs differ from domestic gangs in that like the foreign-born populations from which they draw their membership, they are highly mobile and adaptable to new geographic areas, and they maintain connections in their native countries. Their transient nature necessitates that law enforcement share information about gang members across jurisdictions. At ICE we create lookouts in the Treasury Enforcement Communications System (TECS) on every gang member we identify, encounter or arrest. To date, we have created approximately 6,000 of these lookouts on suspected or confirmed MS-13 gang members. These records are available to all federal, state and local law enforcement agencies, including first responders, when they query subjects with the ICE Law Enforcement Support Center (LESC) through the National Law Enforcement Telecommunications System (NLETS).

While ICE is a new agency with newly integrated authorities, our agents and officers have a long history and extensive experience in gang enforcement. We are working diligently to leverage the best of our expertise, cultures and techniques while building a new federal law enforcement agency that is greater and more effective than the sum of its parts. In case after case, our agents and officers are putting into practice on behalf of the American people the powerful advantages that flow from our newly merged authorities. The result is a greater contribution to our nation's border security, a critical element of our national security.

The men and women of ICE, especially those with whom I work at the Washington, DC office, are grateful for the chance to serve the American people. On their behalf, I thank you and your colleagues for your continued support of our ongoing operations.

I also want to thank the distinguished members of this Committee for the opportunity to speak before you today. I look forward to answering any questions you may have.